

Chapter 20.04

DANGEROUS BUILDING CODE

Sections:

20.04.010	Uniform Code for the Abatement of Dangerous Buildings (1994 Edition) Adopted.
20.04.020	Section 201.3 Amended; Right of Entry.
20.04.025	Section 202 Amended; Abatement of Dangerous Buildings.
20.04.030	Section 205.1 Amended; Board of Appeals; General.
20.04.041	Section 401.2 Amended; Notice and Order.
20.04.042	Section 403 Amended; Repair; Vacation and Demolition.
20.04.043	Section 404.1 Amended; Notice to Vacate; Posting.
20.04.050	Section 603.1 Amended; Subpoenas.
20.04.051	Section 701.3 Amended; Failure to Commence Work.
20.04.055	Section 801.1 Amended; Procedure.
20.04.060	Section 907 Amended; Authority for Installment Payment of Assessments with Interest.
20.04.070	Section 908 Amended; Lien of Assessment.

20.04.010 Uniform Code for the Abatement of Dangerous Buildings (1994 Edition) Adopted.

(a) Except as hereinafter provided by specific change, the Uniform Code for the Abatement of Dangerous Buildings (1994 edition), hereinafter Uniform Code for the Abatement of Dangerous Buildings, is hereby adopted, one copy of which, in book form, has been filed in the office of the City Clerk for the use of and examination by the public and is the edition referred to hereinafter throughout this chapter.

(b) The following word and phrase substitutions are made in the Uniform Code for the Abatement of Dangerous Buildings wherever they appear:

For the Word or Phrase	Substitute
Building Official	Director of Building and Safety or the authorized representative thereof
City Health Officer	Health Director
City of. . .	City of Lincoln
County Recorder	Register of Deeds for Lancaster County, Nebraska
Fire Marshal	Director of Building and Safety

(Ord. 16964 §1; April 8, 1996: prior Ord. 16214 §1; September 8, 1992: Ord. 15883 §1; May 13, 1991: Ord. 14837 §14; February 29, 1988: Ord. 14437 §1; July 21, 1986).

20.04.020 Section 201.3 Amended; Right of Entry.

Section 201.3 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended to read as follows:

201.3. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Building Official or an authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, or hazardous, the Building Official may enter such building or premises to inspect the same or to perform any duty imposed upon the Building Official by this code, provided that all said entries shall be done in accordance with the provisions of Chapter 1.20 of the Lincoln Municipal Code.

When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this code.

This right of entry shall extend to the officers named in Section 201.2 and their authorized inspection personnel. (Ord. 16964 §2; April 8, 1996: prior Ord. 15883 §2; May 13, 1991: Ord. 14437 §1; July 21, 1986).

20.04.025 Section 202 Amended; Abatement of Dangerous Buildings.

Section 202 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended to read as follows:

Sec. 202. All buildings or portions thereof which are determined after inspection by the Building Official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Section 401 of this code. It is not a defense to such determination that the building is boarded up or otherwise enclosed so as to prevent access to the building. (Ord. 15937 §1; August 5, 1991).

20.04.030 Section 205.1 Amended; Board of Appeals; General.

Section 205.1 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended to read as follows:

Section 205.1. Board of Appeals; General. In order to provide for final interpretation of the provisions of this code and to hear appeals provided for hereunder, there is hereby established a Dangerous Buildings Code Board of Appeals consisting of three members who are not employees of the city. The Building Official shall be an ex officio member of and shall act as secretary to said board. Members of the board shall be appointed by the Mayor and shall serve at the Mayor's pleasure. The board may adopt reasonable rules and regulations for the conduct of its business and shall render all decisions and findings in writing to any appellant with a copy to the Building Official. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the Building Official who shall make them freely accessible to

the public. (Ord. 16964 §3; April 8, 1996: prior Ord. 15883 §3; May 13, 1991: Ord. 14437 §3; July 21, 1986).

20.04.040 Section 301 Amended; Definitions.

(Repealed by Ord. 16964 §4; April 8, 1996: prior Ord. 15883 §4; May 13, 1991: Ord. 14437 §4; July 21, 1986).

20.04.041 Section 401.2 Amended; Notice and Order.

Section 401.2 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended to read as follows:

401.2 Notice and Order. The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.

2. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.

3. A statement of the action required to be taken as determined by the Building Official.

3.1 If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed sixty days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all of the circumstances.

3.2 If the Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the Building Official to be reasonable.

3.3 If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official shall determine is reasonable (not to exceed sixty days from the date of the order); that all required permits be secured therefor within sixty days from the date of the order, and that the demolition be completed within such time as the Building Official shall determine is reasonable.

3.4 If the Building Official has determined that the building or structure has been so damaged by fire, wind, earthquake, explosion, or flood or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children, (b) a harbor for vagrants, criminals, or immoral persons; or as to (c) enable persons to resort there for the purpose of committing unlawful or immoral acts the order shall, in addition to any order to repair, vacate, or demolish such building or structure, require that the building or structure be secured within such time as the Building Official shall determine is reasonable to prevent unauthorized access into the building or structure until such time as the required repair or demolition work is completed.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified or if the building or structure is not secured within the time specified, the Building Official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Board of Appeals, provided the appeal is made in writing as provided in this code and filed with the Building Official within ten days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter. (Ord. 16964 §5; April 8, 1996: prior Ord. 15937 §2; August 5, 1991: Ord. 15883 §5; May 13, 1991).

20.04.042 Section 403 Amended; Repair; Vacation and Demolition.

Section 403 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended to read as follows:

Sec. 403. The following standards shall be followed by the Building Official (and by the Board of Appeals if an appeal is taken) in ordering the repair, vacation, or demolition of any dangerous building or structure:

1. Any building declared a dangerous building under this ordinance either shall be repaired in accordance with the current building code or shall be demolished at the option of the building owner.
2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or its occupants, it shall be ordered to be vacated.
3. The determination of whether the building is a dangerous building shall be made without regard to temporary security measures to prevent access to the building. (Ord. 16964 §6; April 8, 1996: prior Ord. 15937 §3; August 5, 1991).

20.04.043 Section 404.1 Amended; Notice to Vacate; Posting.

Section 404.1 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Section 404.1 Posting. Every notice to vacate shall, in addition to being served as provided in Section 401.3, be posted at or upon each exit of the building and shall be in substantially the following form:

WARNING
This Building is Unsafe to Occupy
DO NOT ENTER
It is a misdemeanor to occupy
this building or to remove or
deface this notice.

Date

Building and Safety Dept.
City of Lincoln
441-7521

(Ord. 16964 §7; April 8, 1996: prior Ord. 15883 §6; May 13, 1991).

20.04.050 Section 603.1 Amended; Subpoenas.

Section 603.1 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Section 603.1. Subpoenas. A member of the board or any party may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing. The issuance and service of such subpoena shall be obtained upon the filing in the office of the Building Official a written request directed to the Mayor for such issuance and service. Said written request shall include an affidavit which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in his or her possession or under his or her control. A subpoena need not be issued when the affidavit is defective in any particular. In cases where a hearing is referred to an examiner, all subpoenas shall be obtained from the Mayor through the examiner. (Ord. 16964 §8; April 8, 1996; prior Ord. 15883 §7; May 13, 1991; Ord. 14437 §5; July 21, 1986).

20.04.051 Section 701.3 Amended; Failure to Commence Work.

Section 701.3 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended to read as follows:

701.3. Failure to Commence Work. Whenever the required repair or demolition is not commenced within ten days after any final notice and order issued under this code becomes effective:

1. The Building Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

WARNING
This Building is Unsafe to Occupy
DO NOT ENTER
It is a misdemeanor to occupy
this building or to remove or
deface this notice.

Date

Building and Safety Dept.
City of Lincoln
441-7521

2. No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition, or removal ordered by the Building Official have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code.

3. The Building Official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble, and debris therefrom removed

and the lot cleaned. The Building Official may also cause the building to be secured to prevent unauthorized access into the building or structure until such time as the required repair or demolition work is completed. Any such repair or demolition work or work to secure the building or structure shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto. (Ord. 16964 §9; April 8, 1996: prior Ord. 15937 § 4; August 5, 1991: Ord. 15883 §8; May 13, 1991).

20.04.055 Section 801.1 Amended; Procedure.

Section 801.1 of the Uniform Code for Abatement of Dangerous Buildings is amended to read as follows:

801.1. Procedure. When any work of repair or demolition or work to secure a building or structure is to be done pursuant to Section 701.3 Item 3 of this code, the Building Official shall issue an order therefor and the work shall be accomplished by personnel of this jurisdiction or by private contract. Plans and specifications therefor may be prepared by said Building Official, or the Building Official may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedure shall be followed. (Ord. 16964 §10; April 8, 1996: prior Ord. 15883 §9; May 13, 1991: Ord. 14437 §6; July 21, 1986).

20.04.060 Section 907 Amended; Authority for Installment Payment of Assessments with Interest.

Section 907 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Section 907. Authority for Installment Payment of Assessments with Interest. The City Council, in its discretion, may determine that assessments shall be paid in not to exceed five equal annual installments. The council's determination to allow payment of such assessments in installments and the number thereof shall be adopted by resolution prior to the confirmation of the assessment. Each installment shall bear interest at the rate and in the manner as provided by law. (Ord. 15883 §10; May 13, 1991: prior Ord. 14437 §7; July 21, 1986).

20.04.070 Section 908 Amended; Lien of Assessment.

Section 908 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Section 908 Lien of Assessment.

908.1 Priority. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessment shall be liens against the lots or parcels of land assessed, respectively, and shall be paramount to all other liens except general taxes. The liens shall continue until the assessment and all interest due and payable thereon are paid.

908.2 Due Date and Delinquent Interest. A single assessment shall be due immediately upon its being placed upon the assessment roll. The first installment of any assessment payable by installments shall be due immediately upon placing such assessment upon the assessment roll. Such assessments and

installments thereof shall become delinquent as provided by law for improvement district special assessments. At the time of levying the assessments, the City Council shall fix the rate of interest per annum on unpaid installments which are not delinquent. Installments which are delinquent shall bear interest at the same annual rate as that established by law for delinquent real property tax. (Ord. 16964 §11; April 8, 1996: prior Ord. 15883 §11; May 13, 1991: Ord. 14437 §8; July 21, 1986).